



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

January 22, 2018

BY ECF

The Honorable Vernon S. Broderick
United States District Judge
Southern District of New York
United State Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Sayfullo Habibullaevic Saipov*, 17 Cr. 722 (VSB)

Dear Judge Broderick:

The Government writes in connection with its letter of January 5, 2018, in which it opposed the defendant's request to prevent the Government from obtaining the defendant's visitor log. In its letter of January 6, 2018, the defense stated that the Government had not articulated any specific risk to public safety at issue with the defendant's visitors. The defense further noted that other courts, when presented with similar arguments, have ordered that the visitor log be reviewed by "wall counsel" unconnected to the prosecution. In response to the defendant's argument that the Government had not identified any particular national security risks, the Government has today submitted to Your Honor an *ex parte* letter under seal. As to the defendant's reference to wall counsel, while the Government continues to believe that the defendant is not entitled to any protections over his visitor log, to the extent the Court is inclined to grant any such relief, the Government believes a wall review better addresses the concerns of the parties. A wall review team, consisting of AUSAs and agents from the Federal Bureau of Investigation, would review the

Hon. Vernon S. Broderick, U.S.D.J.

January 22, 2018

Page 2

log and provide a redacted version to the team of AUSAs and agents assigned to prosecute this case. This approach would ensure a comprehensive vetting of visitors by law enforcement¹ and would address defense counsel's stated concerns.

Accordingly, for the reasons set out in the Government's January 5, 2018 letter, and its *ex parte* submission today, the Government respectfully requests that Your Honor reconsider the January 4 Order and deny the defendant's request in its entirety, or alternatively impose a review by a wall team of agents and AUSAs.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

by: _____/s/_____
Andrew Beaty
Amanda Houle
Matthew Laroche
Assistant United States Attorneys
(212) 637-2198 / 2194 / 2420

¹ The FBI's ongoing investigations best position it to review and redact the log. Moreover, there has been at least one recent incident in this District in which a subject of an investigation sought to gain unmonitored access to a defendant by presenting as a translator for defense counsel. *See* 17 Cr. 350 (KBF) (Dkt. 341).